

107TH CONGRESS  
1ST SESSION

# H. R. 1997

To amend the Uniformed and Overseas Citizens Absentee Voting Act to increase the ability of absent uniformed services voters and overseas voters to participate in elections for Federal office, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

MAY 24, 2001

Mrs. MALONEY of New York (for herself and Mr. REYNOLDS) introduced the following bill; which was referred to the Committee on House Administration

---

## A BILL

To amend the Uniformed and Overseas Citizens Absentee Voting Act to increase the ability of absent uniformed services voters and overseas voters to participate in elections for Federal office, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       *Be it enacted by the Senate and House of Representa-*  
4       *tives of the United States of America in Congress assembled,*

5       **SECTION 1. SHORT TITLE.**

6       This Act may be cited as the “Uniformed and Over-  
7       seas Citizen Absentee Voting Reform Act of 2001”.

1 **SEC. 2. FINDINGS.**

2           (1) Some 3,000,000 to 6,000,000 American  
3 citizens, including 576,000 Federal employees and  
4 their overseas dependents in the armed services and  
5 in other Federal agencies, live permanently or tem-  
6 porarily reside outside the 50 States and the District  
7 of Colombia.

8           (2) Both the members of the armed services,  
9 their dependents, other employees of the Federal  
10 Government and their dependents, and the roughly  
11 3,000,000 to 5,500,000 million other American citi-  
12 zens abroad make an inestimable contribution to the  
13 security, economic well-being, and cultural vitality of  
14 the United States.

15           (3) Although great progress has been made in  
16 recent decades in assuring that these citizens have  
17 the chance to participate fully in our democratic  
18 process, the national elections of November 2000 re-  
19 vealed grave shortcomings in our system, with nearly  
20 40 percent of overseas ballots rejected in one State  
21 alone.

22           (4) Moreover, during these elections it became  
23 apparent that timely information about the numbers  
24 of American citizens seeking to vote and voting from  
25 abroad, information which is essential to measure

1 the effectiveness of our overseas voting system, is  
2 not currently provided by the States.

3 **SEC. 3. SIMPLIFICATION OF VOTER REGISTRATION AND AB-**  
4 **SENTEE BALLOT APPLICATION PROCEDURES**  
5 **FOR ABSENT UNIFORMED SERVICES AND**  
6 **OVERSEAS VOTERS.**

7 (a) REQUIRING STATES TO ACCEPT OFFICIAL FORM  
8 FOR SIMULTANEOUS VOTER REGISTRATION AND ABSEN-  
9 TEE BALLOT APPLICATION; DEADLINE FOR PROVIDING  
10 ABSENTEE BALLOT.—

11 (1) IN GENERAL.—Section 102 of the Uni-  
12 formed and Overseas Citizens Absentee Voting Act  
13 (42 U.S.C. 1973ff–1) is amended—

14 (A) by amending paragraph (2) to read as  
15 follows:

16 “(2) accept and process, with respect to any  
17 election for Federal office, any otherwise valid voter  
18 registration application and absentee ballot applica-  
19 tion from an absent uniformed services voter or  
20 overseas voter, if the application is received by the  
21 appropriate State election official not less than 30  
22 days before the election;”;

23 (B) by striking the period at the end of  
24 paragraph (3) and inserting a semicolon; and

1 (C) by adding at the end the following new  
 2 paragraphs:

3 “(4) use the official post card form (prescribed  
 4 under section 101) for simultaneous voter registra-  
 5 tion application and absentee ballot application; and  
 6 “(5) transmit the absentee ballot for an election  
 7 to each absent uniformed services voter and overseas  
 8 voter who is registered with respect to the election  
 9 as soon as practicable after the voter is registered,  
 10 but in no case later than the 45th day preceding the  
 11 election (if the voter is registered as of such day).”.

12 (2) CONFORMING AMENDMENTS.—Section  
 13 101(b)(2) of such Act (42 U.S.C. 1973ff(b)(2) is  
 14 amended by striking “as recommended in section  
 15 104” and inserting “as required under section  
 16 102(4)”.

17 (b) USE OF SINGLE APPLICATION FOR ALL SUBSE-  
 18 QUENT ELECTIONS.—Section 104 of such Act (42 U.S.C.  
 19 1973ff–3) is amended to read as follows:

20 **“SEC. 104. USE OF SINGLE APPLICATION FOR ALL SUBSE-**  
 21 **QUENT ELECTIONS.**

22 “(a) IN GENERAL.—If a State accepts and processes  
 23 an official post card form (prescribed under section 101)  
 24 submitted by an absent uniformed services voter or over-  
 25 seas voter for simultaneous voter registration and absen-

1 tee ballot application (in accordance with section  
2 102(4))—

3 “(1) the voter shall be deemed to have sub-  
4 mitted an absentee ballot application for each subse-  
5 quent election for Federal office held in the State;  
6 and

7 “(2) the State shall provide an absentee ballot  
8 to the voter for each subsequent election for Federal  
9 office held in the State (in accordance with the dead-  
10 line required under section 102(a)(5)).

11 “(b) EXCEPTION FOR VOTERS CHANGING REGISTRA-  
12 TION.—Subsection (a) shall not apply with respect to a  
13 voter registered to vote in a State for any election held  
14 after the voter notifies the State that the voter no longer  
15 wishes to be registered to vote in the State or after the  
16 State determines that the voter has registered to vote in  
17 another State.

18 “(c) NO EFFECT ON VOTER REMOVAL PROGRAMS.—  
19 Nothing in this section may be construed to prevent a  
20 State from removing any voter from the rolls of registered  
21 voters in the State under any program or method per-  
22 mitted under section 8 of the National Voter Registration  
23 Act of 1993.”.

1 **SEC. 4. REMOVING BARRIERS TO ACCEPTANCE OF COM-**  
 2 **PLETED BALLOTS.**

3 Section 102 of the Uniformed and Overseas Citizens  
 4 Absentee Voting Act (42 U.S.C. 1973ff-1) is amended—

5 (1) by inserting “(a) IN GENERAL.—” before  
 6 “Each State”; and

7 (2) by adding at the end the following new sub-  
 8 section:

9 “(b) SPECIAL REQUIREMENTS REGARDING ACCEPT-  
 10 ANCE OF COMPLETED BALLOTS.—

11 “(1) MANDATORY MINIMUM PERIOD FOR AC-  
 12 CEPTANCE OF ABSENTEE BALLOT AFTER DATE OF  
 13 ELECTION.—Notwithstanding any other provision of  
 14 law, a State may not refuse to count an absentee  
 15 ballot submitted in an election for Federal office by  
 16 an absent uniformed services voter or overseas voter  
 17 on the grounds that the ballot was not submitted in  
 18 a timely manner if—

19 “(A) the ballot is received by the State not  
 20 later than 14 days after the date of the elec-  
 21 tion;

22 “(B) the ballot is signed and dated by the  
 23 voter; and

24 “(C) the date provided by the voter on the  
 25 ballot is not later than the day before the date  
 26 of the election.

1           “(2) PROHIBITING REFUSAL OF BALLOT FOR  
 2           LACK OF POSTMARK.—A State may not refuse to  
 3           count an absentee ballot submitted in an election for  
 4           Federal office by an absent uniformed services voter  
 5           or overseas voter on the grounds that the ballot or  
 6           the envelope in which the ballot is submitted lacks  
 7           a postmark if the ballot is signed and dated by the  
 8           voter and a witness within the deadline applicable  
 9           under State law for the submission of the ballot  
 10          (taking into account the requirements of paragraph  
 11          (1)).”.

12 **SEC. 5. OTHER REQUIREMENTS TO PROMOTE PARTICIPA-**  
 13 **TION OF OVERSEAS AND ABSENT UNI-**  
 14 **FORMED SERVICES VOTERS.**

15          Section 102 of the Uniformed and Overseas Citizens  
 16 Absentee Voting Act (42 U.S.C. 1973ff–1), as amended  
 17 by section 4, is amended by adding at the end the fol-  
 18 lowing new subsection:

19          “(c) OTHER REQUIREMENTS AND PROHIBITIONS.—

20               “(1) RESPONSE TO SUBMITTED MATERIALS.—

21                   “(A) APPLICATIONS FOR VOTER REGISTRA-  
 22                   TION AND ABSENTEE BALLOT REQUEST.—With  
 23                   respect to each absent uniformed services voter  
 24                   and each overseas voter who submits a voter

1 registration application or an absentee ballot re-  
2 quest, the State—

3 “(i) shall immediately notify the voter  
4 as to whether or not the State has ap-  
5 proved the application or request; and

6 “(ii) if the State rejects the applica-  
7 tion or request, shall provide the voter with  
8 the reasons for the rejection.

9 “(B) ABSENTEE BALLOTS.—With respect  
10 to each absent uniformed services voter and  
11 each overseas voter who submits a completed  
12 absentee ballot, the State—

13 “(i) shall immediately notify the voter  
14 as to whether or not the State has received  
15 the ballot; and

16 “(ii) if the State refuses to accept the  
17 ballot, shall provide the voter with the rea-  
18 sons for refusal.

19 “(2) USE OF FACSIMILE MACHINES AND INTER-  
20 NET.—Each State shall make voter registration ap-  
21 plications, absentee ballot requests, and absentee  
22 ballots available to absent uniformed services voters  
23 and overseas voters through the use of facsimile ma-  
24 chines and the Internet, and shall permit such voters  
25 to transmit completed applications and requests to



1 the State through the use of such machines and the  
2 Internet. Nothing in this paragraph may be con-  
3 strued to prohibit a State from accepting completed  
4 absentee ballots from absent uniformed services vot-  
5 ers and overseas voters through the use of facsimile  
6 machines.

7 “(3) PROHIBITING NOTARIZATION REQUIRE-  
8 MENTS.—A State may not refuse to accept any voter  
9 registration application, absentee ballot request, or  
10 absentee ballot submitted by an absent uniformed  
11 services voter or overseas voter on the grounds that  
12 the document involved is not notarized.

13 “(4) COMPILATION OF STATISTICS.—

14 “(A) IN GENERAL.—For each election for  
15 Federal office held in the State, each State  
16 shall compile and publish the following informa-  
17 tion with respect to absent uniformed services  
18 voters and overseas voters:

19 “(i) The number of voter registration  
20 applications received from each such group  
21 of voters, together with the number of such  
22 applications which were rejected by the  
23 State and the reasons for rejection.

24 “(ii) The number of absentee ballots  
25 sent to each such group of voters.

1           “(iii) The number of completed absen-  
 2           tee ballots submitted by each such group of  
 3           voters, together with the number of such  
 4           ballots which were rejected by the State  
 5           and the reasons for rejection.

6           “(B) BREAKDOWN BY LOCAL JURISDIC-  
 7           TION AND OVERSEAS LOCATION.—In compiling  
 8           and publishing the information described in  
 9           subparagraph (A), the State shall break down  
 10          each category of such information by county (or  
 11          other appropriate local election district) and by  
 12          the locations to which and from which the ma-  
 13          terials described in such subparagraph were  
 14          transmitted and received.

15          “(C) TRANSMISSION TO PRESIDENTIAL  
 16          DESIGNEE.—With respect to information re-  
 17          garding a Presidential election year, the State  
 18          shall transmit the information compiled under  
 19          this paragraph to the Presidential designee at  
 20          such time and in such manner as the Presi-  
 21          dential designee may require to prepare the re-  
 22          port described in section 102(6).”.

23 **SEC. 6. ADDITIONAL DUTIES OF PRESIDENTIAL DESIGNEE.**

24          (a) EDUCATING ELECTION OFFICIALS ON RESPON-  
 25          SIBILITIES UNDER ACT.—Section 101(b)(1) of the Uni-

1 formed and Overseas Citizens Absentee Voting Act (42  
2 U.S.C. 1973ff(b)(1)) is amended by striking the semicolon  
3 at the end and inserting the following: “, and ensuring  
4 that such officials are aware of the requirements of this  
5 Act;”.

6 (b) DEVELOPMENT OF STANDARD OATH FOR USE  
7 WITH MATERIALS.—

8 (1) IN GENERAL.—Section 101(b) of such Act  
9 (42 U.S.C. 1973ff(b)) is amended—

10 (A) by striking “and” at the end of para-  
11 graph (5);

12 (B) by striking the period at the end of  
13 paragraph (6) and inserting “; and”; and

14 (C) by adding at the end the following new  
15 paragraph:

16 “(7) prescribe a standard oath for use with any  
17 document under this title affirming that a material  
18 misstatement of fact in the completion of such a  
19 document may constitute grounds for a conviction  
20 for perjury.”.

21 (2) REQUIRING STATES TO USE STANDARD  
22 OATH.—Section 102(b) of such Act (42 U.S.C.  
23 1973ff–1(b)), as amended by section 3(a), is further  
24 amended—

1 (A) by striking “and” at the end of para-  
2 graph (4);

3 (B) by striking the period at the end of  
4 paragraph (5) and inserting “; and”; and

5 (C) by adding at the end the following new  
6 paragraph:

7 “(6) if the State requires an oath or affirmation  
8 to accompany any document under this title, use the  
9 standard oath prescribed by the Presidential des-  
10 ignee under section 101(b)(7).”.

11 (c) TRANSMISSION OF FEDERAL WRITE-IN ABSEN-  
12 TEE BALLOT THROUGH FACSIMILE MACHINES AND  
13 INTERNET.—Section 103 of such Act (42 U.S.C. 1973ff–  
14 2) is amended—

15 (1) by redesignating subsections (b) through (f)  
16 as subsections (c) through (g); and

17 (2) by inserting after subsection (a) the fol-  
18 lowing new subsection:

19 “(b) TRANSMISSION OF BALLOT THROUGH FAC-  
20 SIMILE MACHINES AND INTERNET.—The Presidential  
21 designee shall make the Federal write-in absentee ballot  
22 and the application for such a ballot available to overseas  
23 voters through the use of facsimile machines and the  
24 Internet, and shall permit such voters to transmit com-  
25 pleted applications for such a ballot to the Presidential

1 designee through the use of such machines and the Inter-  
 2 net.”.

3 (d) PROVIDING BREAKDOWN BETWEEN OVERSEAS  
 4 VOTERS AND ABSENT UNIFORMED SERVICES VOTERS IN  
 5 STATISTICAL ANALYSIS OF VOTER PARTICIPATION.—Sec-  
 6 tion 101(b)(6) of such Act (42 U.S.C. 1973ff(b)(6)) is  
 7 amended by inserting after “participation” the following:  
 8 “(listed separately for overseas voters and absent uni-  
 9 formed services voters)”.

10 **SEC. 7. GRANTING PROTECTIONS GIVEN TO ABSENT UNI-**  
 11 **FORMED SERVICES VOTERS TO RECENTLY**  
 12 **SEPARATED UNIFORMED SERVICES VOTERS.**

13 The Uniformed and Overseas Citizens Absentee Vot-  
 14 ing Act (42 U.S.C. 1973ff et seq.) is amended by inserting  
 15 after section 104 the following new section:

16 **“SEC. 104A. COVERAGE OF RECENTLY SEPARATED UNI-**  
 17 **FORMED SERVICES VOTERS.**

18 “(a) IN GENERAL.—For purposes of this Act, an in-  
 19 dividual who is a separated uniformed services voter (or  
 20 the spouse or dependent of such an individual) shall be  
 21 treated in the same manner as an absent uniformed serv-  
 22 ices voter with respect to any election occurring during  
 23 the 60-day period which begins on the date the individual  
 24 becomes a separated uniformed services voter.

1       “(b) SEPARATED UNIFORMED SERVICES VOTER DE-  
2 FINED.—

3               “(1) IN GENERAL.—In this section, the term  
4       ‘separated uniformed services voter’ means an indi-  
5       vidual who—

6               “(A) is separated from the uniformed serv-  
7       ices;

8               “(B) was a uniformed services voter imme-  
9       diately prior to separation;

10              “(C) presents to an appropriate election of-  
11       ficial Department of Defense Form 214 show-  
12       ing that the individual meets the requirements  
13       of subparagraphs (A) and (B) (or any other of-  
14       ficial proof of meeting such requirements); and

15              “(D) is otherwise qualified to vote with re-  
16       spect to the election involved.

17              “(2) UNIFORMED SERVICES VOTER.—In para-  
18       graph (1), the term ‘uniformed services voter’  
19       means—

20              “(A) a member of a uniformed service on  
21       active duty; or

22              “(B) a member of the merchant marine.”.

1 **SEC. 8. FINANCIAL ASSISTANCE TO STATES FOR COSTS OF**  
2 **COMPLIANCE.**

3 (a) IN GENERAL.—The Presidential designee under  
4 the Uniformed and Overseas Citizens Absentee Voting Act  
5 shall make a payment to each eligible State for carrying  
6 out activities to comply with the requirements of such Act,  
7 including the amendments made to such Act by this Act.

8 (b) ELIGIBILITY.—A State is eligible to receive a pay-  
9 ment under this section if it submits to the Presidential  
10 designee (at such time and in such form as the Presi-  
11 dential designee may require) an application containing  
12 such information and assurances as the Presidential des-  
13 ignee may require.

14 (c) AUTHORIZATION OF APPROPRIATIONS.—There  
15 are authorized to be appropriated for the first fiscal year  
16 which begins after the date of the enactment of this Act  
17 such sums as may be necessary to carry out this section,  
18 to remain available until expended.

19 **SEC. 9. EFFECTIVE DATE.**

20 The amendments made by sections 3, 4, 5, 6, and  
21 7 shall apply with respect to elections occurring after the  
22 date of the enactment of this Act.

